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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/693,672

Applicant(s)

SLAUGHTER ET AL.

Examiner

Haresh N. Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 51-73, 100-117, 136 and 138 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24, 51-73, 100-117, 136 and 138 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-24, 51-73, 100-117, 136 and 138 are subject to examination. Claims 25-50, 74-99, 118-135, 137 and 139 are cancelled.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 100-117 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. To expedite the prosecution of this case, the examiner is providing subject matter that is statutory. The “storage medium storing program instructions, wherein the program instructions are computer-executable to implement”, should be --storing medium storing program instructions, which when executed by computer implement-- (Note: mere arguments do not overcome the rejections).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-24, 51-73 and 100-117 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-24, 51-73 and 100-117 recite the limitations, “appears”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim. (Note: please refer to the applicant's statements that are itself contradicting).

Double Patenting

4. Claims 1-24, 51-73, 100-117, 136 and 138 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-45 of U.S. Patent No. 6,868,447, as per office action dated 1/9/2006.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 138 is rejected under 35 U.S.C. 102(e) as being anticipated by Tuatini, as per office action dated 7/11/2005.

7. Claims 1, 51, 100, 136 and 138 are rejected under 35 U.S.C. 102(e) as being anticipated by 7,130,895, Zintel (Hereinafter Zintel-Microsoft), as per office action dated 10/19/2007.

8. Claims 1, 51, 100, 136 and 138 are rejected under 35 U.S.C. 102(e) as being anticipated by 6,842,906, Bowman-Amuah (Hereinafter Bowman-Amuah-Accenture), as per office action dated 10/19/2007.

9. Claims 1, 51, 100, 136 and 138 are rejected under 35 U.S.C. 102(e) as being anticipated by Walsh et al., 6,810,429 (Hereinafter Walsh-Mitsubishi).

10. Referring to claim 1, Walsh- Mitsubishi discloses a method for bridging a first computing environment based upon a message passing model to a second computing environment (e.g., col., 3), comprising: a first entity in the first computing environment accessing a proxy service through messages in a data representation language (e.g., col., 4); the proxy service providing to the first entity an interface to a second entity in the second computing environment (e.g., col., 4), wherein the proxy service appears to the first entity as the second entity (e.g., col., 4); and the first entity accessing the second entity in the second computing environment through the interface provided by the proxy service (e.g., col., 5).

11. Referring to claim 51, Walsh-Mitsubishi discloses a distributed computing system, a method for bridging a first computing environment based upon a message passing model to a second computing environment (e.g., col., 3), comprising: a first entity in the first computing environment accessing a proxy service through messages in a data representation language (e.g., col., 4); the proxy service providing to the first entity an interface to a second entity in the second computing environment (e.g., col., 4), wherein the proxy service appears to the first entity as the second entity (e.g., col., 4); and the first entity accessing the second entity in the second computing environment through the interface provided by the proxy service (e.g., col., 5).

12. Referring to claim 100, Walsh-Mitsubishi discloses a carrier medium comprising program instructions, wherein the program instructions are computer-executable to implement (e.g., col., 3): a first entity in the first computing environment accessing a proxy service through messages in a data representation language (e.g., col., 4); the proxy service providing to the first entity an interface to a second entity in the second computing environment (e.g., col., 4), wherein the proxy service appears to the first entity as the second entity; and the first entity accessing the second entity in the second computing environment through the interface provided by the proxy service (e.g., col., 5).

13. Referring to claim 136, Walsh-Mitsubishi discloses a method for bridging a first computing environment based upon a message passing model to a second computing environment (e.g., col., 3), comprising: a first entity in the first computing environment accessing a proxy service through messages in a data representation language (e.g., col., 4); the proxy service providing to the first entity an interface to a second entity in the second computing environment (e.g., col., 4); the first entity accessing the second entity in the second computing environment through the interface provided by the proxy service (e.g., col., 4); wherein the proxy service providing to the first entity an interface to a second entity in the second computing environment comprises providing an advertisement for the second entity, wherein the advertisement for the second entity includes access information for accessing the second entity in the second environment from the first environment (e.g., col., 5); and wherein the advertisement includes information describing one or more computer programming language method calls to

methods in the computer programming language provided by the second entity (e.g., col., 5), the method further comprising constructing on the first entity a client method gate configured to provide an interface to the second entity by generating data representation language messages including information representing the method calls (e.g., col., 5).

14. Referring to claim 138, Walsh-Mitsubishi discloses a method for bridging a first computing environment based upon a message passing model to a second computing environment (e.g., col., 3), comprising: a first entity in the first computing environment accessing a proxy service through messages in a data representation language (e.g., col., 4); the proxy service providing to the first entity an interface to a second entity in the second computing environment (e.g., col., 4), wherein said providing an interface comprises sending to the first entity a schema defining one or more messages in the data representation language for accessing the second entity (e.g., col., 5); and the first entity accessing the second entity in the second computing environment through the interface provided by the proxy service (e.g., col., 5).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1-5, 19-21, 23, 24, 51-55, 68-70, 72, 73, 100-103, 113, 114, 116 and 117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuatini in view of Mead et. al. 6,061,728 (Hereafter Mead), as per office action dated 7/11/2005.
17. Claims 136 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuatini in view of Cheng U.S. Publication 2001/0032273 (Hereinafter Cheng), Machin et al., U.S. Publication 2002/0032806 (Hereinafter Machin) and Beck et al., 6,604,140 (Hereinafter Beck), as per office action dated 7/11/2005.
18. Claims 6, 7, 56, 104, 105, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuatini, Mead and Cheng in view of Beck, as per office action dated 7/11/2005.
19. Claims 12-18, 61-67, 110-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuatini, Mead, Cheng and Beck in view of Machin, as per office action dated 7/11/2005.
20. Claims 22, 71, 115, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuatini view of applicant's admitted prior art (AAPA), page 2-6 of the specification, as per office action dated 7/11/2005.

Response to Amendment

21. Applicant's arguments filed 1/21/2008, have been fully considered but they are not persuasive. Therefore, rejection of the claims is maintained.
22. The applicant statements, "As a non- limiting example, Applicants' specification describes an embodiment in which a bridge service may be looked up and instantiated by a client "just as any other service in the distributed computing environment" and that the bridge service may interact with, and execute, other services, such as an enterprise service. The specification

further describes that, to the client, "the bridge service appears to be the only service" and that "the enterprise service is hidden to the client" (p. 148). Thus, support for the term "appears" is found within Applicants' specification. Applicants' specification also describes embodiments in which various entities, including devices and services (among others), "may be bridged into the distributed computing environment using proxy services" (p. 149). The plain meaning of the terminology used in Applicants' specification and claims is completely clear to any one of ordinary skill in the art.

23. For the redundant arguments that were presented during the prosecution, please refer to the responses to the office action dated 10/19/2007, 1/9/2006, 7/11/2005, 3/12/2005, etc.

24. Regarding the applicant's concern, Zintel teaches a device control model that provides an integrated set of processes (e.g., addressing, naming, discovery and description processes) that enables self-setup by devices to interoperate with other devices on a network (Abstract). Zintel's system relies heavily on Universal Plug and Play (UPnP) and col. 6, cited by the Examiner, is part of a description of UPnP. However, the cited passage does not mention anything about an entity accessing a proxy service through messages in a data representation language; the examiner respectfully disagrees. The disclosure and the teachings of the Zintel are not limited as concluded by the applicant. Zintel discloses the broadly claimed limitations, i.e., please see the cited portions among other places of the cited art that not only contain the applicant concerned content of the art but also the read upon the limitations. The specification of the application under prosecution at page 203, states, Various modifications and changes may be made as would be obvious to a person skilled in the art having the benefit of this disclosure. It is intended that the invention embraces all such modifications and changes and, accordingly, the specifications,

appendices and drawings are to be regarded in an illustrative rather than a restrictive sense..

Further, when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. **In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963).** Skill in the art is presumed. **In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985).** Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. **In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).** The applicant is requested to consider its own statements when reviewing the reference rather ignoring it.

25. Regarding the applicant's concern, browser extensions and plug-ins are not proxy services and are not accessed through messages in a data representation language. A browser may communicate to remote servers, using HTTP, but is not accessed as a proxy service through messages in a data representation language. Furthermore, Bowman-Amuah's proxy services are not described as being accessible through messages in a data representation language, etc.; the examiner respectfully disagrees. The disclosure and the teachings of the Bowman-Amuah are not limited as concluded by the applicant. Bowman-Amuah discloses the broadly claimed limitations, i.e., please see the cited portions among other places of the cited art that not only contain the applicant concerned content of the art but also the read upon the limitations. The specification of the application under prosecution at page 203, states, Various modifications and changes may be made as would be obvious to a person skilled in the art having the benefit of this disclosure. It is intended that the invention embraces all such modifications and changes and,

accordingly, the specifications, appendices and drawings are to be regarded in an illustrative rather than a restrictive sense.. Further, when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. **In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963).** Skill in the art is presumed. **In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985).** Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. **In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).** The applicant is requested to consider its own statements when reviewing the reference rather ignoring it.

Conclusion

Multiple references are used for the rejections to demonstrate that several references disclose the broadly claimed subject matter of the claims. In order to expedite the prosecution of this case, in particular the applicant is requested to consider his own statements for the bridging service, usage of environment supporting markup language such as xml, etc, that has been well-known in the art and supported by the above mentioned prior arts. Note: mere arguments do not overcome the rejections as the cited arts the evidence, which is relied upon.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages

and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh N. Patel/

Primary Examiner, Art Unit 2154

April 11, 2008